

**July 13, 2004**

## **MINUTES**

**Chairman William Guglietta called the meeting to order in the City Council Chamber at 7:05 p.m. He announced that the Subdivision and Land Development Preliminary Plan for Wildflower Estates would not be heard at this meeting and that the public would be notified when it is back on the agenda.**

**The following Commission members were present:**

**William R. Guglietta, Chairman**

**Paul M. Petit, Vice Chairman**

**Marco Schiappa**

**Stephen Devine**

**Charles Rossi**

**Also attending were:**

**Kevin M. Flynn, Planning Director**

**Michael J. DeLuca, Principal Planner**

**Lynn Furney, Associate Planner**

**Jared Rhodes, Senior Planner**

**Joanne Resnick, Senior Clerk**

**Pat Magnone, Stenographer**

**The following members of the public attended:**

**Rob & Deb Sohegan Linda Heroux Stephanie Carbone**

**Lisa Palumbo Marie Sweet Jennifer Aceto**

**William & Connie Padula Kathleen Ragosta Phil Aceto**

**Richard Perelman David Ferrara Luigi Aceto**

**John & Paula Esposito Ronald Rossi Matthew Bonin**

**Rev. Gary Lemerli Tom Bauman Joe Casimiro**

**Bob Casey Ken Narvesen Elizabeth W. Seal**

**Marion Davis**

## **MINUTES**

**Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Commission unanimously voted to approve the minutes of the June 8, 2004 meeting.**

## **ORDINANCE COMMITTEE ITEMS**

**None**

## **SUBDIVISION AND LAND DEVELOPMENT PLANS**

**Scituate View Estates RPD – Preliminary Plan Public Hearing**

**Scituate Avenue**

**AP 12, Lots 2837**

**Attorney John Mancini gave a brief overview of the project so far, stating that all requirements outlined at the Master Plan level of review, which was approved by the Planning Commission on December 2, 2003, and a Decision was recorded on December 11, 2003, in the Land Evidence Records, have been met. He stated that ownership of the Open Space will be held by the Homeowner's Association. By-Laws and the organizational documents of the Homeowner's Association have been submitted to the Planning Department, as well as Open Space easement restrictions. A Physical Alteration Permit from RIDOT has been granted pursuant to the roadway grading not exceeding 3%. A grassy strip, opposite to where utilities will be located, is proposed, as well as street trees. A confirmation of an easement, to the North of the project, has been submitted to Assistant City Solicitor Vito Sciolto.**

**A tree preservation plan was submitted to the Planning Commission by Mr. Mancini at hearing. Marie Sweet, Cranston Conservation Commission, requested a copy of the plan, as well as a final walk-thru with the developer. Mr. Mancini stated that no trees have been removed from the Open Space area.**

**Richard St. Jeanne, Registered Professional Engineer, testified that the subdivision will be served by public water and sewer. There will be no natural gas. Drainage will be to a detention pond that will outlet to a small stream. RIDEM approval has been granted. Mr. Schiappa asked about groundwater with regard to the depth of basements of the new homes. Mr. St. Jeanne stated that all the homes will be high enough from the low-lying area where the detention pond drains. He stated that there is greater than an 8 ft. water table, with the exception of one lot located on a corner. Drains may be necessary around the foundation of that home. There is a catch basin in front of the home that can be tied in to. He stated that he tested soil only around the detention pond.**

**The project, as proposed, has a grassy strip (sidewalk) on one side of the roadway. Due to the grading of the roadway, the City prefers a paved surface sidewalk on at least one side of the roadway.**

**Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission unanimously voted to accept the Planning Department staff findings (as described in Mr. DeLuca's memorandum, dated July 13, 2004, included in these minutes) as their own and APPROVE the Preliminary Plan for Scituate View Estates subject to the following conditions:**

**1. Ownership of the open space parcel(s) shall be held by the**

**Homeowner's Association. Said Association shall be formally established by final plat application.**

**2. Grading of roadway shall not exceed 3% for the first 50 feet of its length.**

**3. Applicant shall provide a tree preservation plan for Conservation Commission approval prior to final plat submittal. A final walk-thru shall be done by the Conservation Commission.**

**4. Granting of requested roadway width waiver subject to provision of sidewalk on one side of the street and planting of street trees.**

**5. Provide a downstream sewer flow analysis for approval by Veolia Water prior to final plat application.**

**6. Amend plans to address Veolia Water, Providence Water Supply Board and Public Works Director concerns and submit five full sets of plans to Planning staff prior to final plat application.**

**7. Performance Guarantee of \$371,000**

**8. Administrative fee of \$7,420**

**9. Capital Facilities Impact Fee of \$4,154.22 (7 new houses).**

**10. Pursue grading easement with abutting property owner prior to final design approval or amend final plan to eliminate the need.**

**(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Mr. Rossi. Voting Nay: None.)**

**Gold Meadow Farm RPD – Master Plan reinstatement**

**Lippitt Avenue**

**AP 23, Lots 6,7,8,15 & 20**

**AP 30, Lot 240**

**Attorney David Ferrara, Taft & McSally Law Offices, on behalf of Attorney Robert Murray, stated for the record that they are requesting reinstatement to proceed on the basis of the original master plan approval, dated July 10, 2001.**

**Mr. DeLuca gave a brief explanation of the reason for the need for reinstatement. (Please refer to Mr. DeLuca's memorandum, dated July 13, 2004, which is a part of these minutes.) The original**

applicants were Edward Cerio and Alfred Joaquin. The original Master Plan approval was granted on July 10, 2001. Mr. Joaquin lost his portion of the parcel through receivership. Attorney Joseph Ferrucci is the receiver of that property. Correspondence from attorney Robert Murray, dated July 2, 2004, indicated Kent County Superior Court issued a determination that all timetable and expiration dates had been tolled during the pendency of the receivership. Documentation indicating the length of the tolling was not provided. The applicant decided that the best course of action would be to request reinstatement of the plat at the original approval stage.

Mr. Schiappa questioned whether density allowance for this site would be reduced under current regulations. Mr. Flynn explained that under Section IV E of the Subdivision and Land Development Regulations, as amended, the density allowance would most likely result in fewer lots. He explained that at the time this Master Plan was originally approved, there was no requirement that wetland could not be included in the density calculation for each lot. This provision was changed last year. It is Mr. Flynn's understanding that since no affirmative action was taken since the plat was originally introduced, the delay in that process would not keep the application current when it had passed the deadline. Therefore, an extension of time could not be considered without further information from the applicant.

Chairman Guglietta asked the Commission to consider continuing

**this application until next month, as there was a valid question raised regarding vesting for the original number of building lots. Planning Department staff and the applicant concurred with this suggestion.**

**Upon motion made by Mr. Devine, seconded by Mr. Schiappa, the Planning Commission unanimously voted to CONTINUE this Master Plan reinstatement to allow Planning Department staff time to research the matter.**

**(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Mr. Rossi. Voting Nay: None.)**

## **ZONING BOARD OF REVIEW ITEMS**

**PARISH OF THE CHURCH OF THE TRANSFIGURATION 1665 BROAD STREET CRANSTON RI 02905 (OWN/APP) AND DRAKE PETROLEUM COMPANY INC 355 ALLENS AVENUE PROVIDENCE RI 02905 (LESSEE) have filed an application, pending administrative sub-division, for permission to leave an existing legal non-conforming church building with restricted front, side and rear yard setback on a proposed 27,743 +/- SF lot and leave an existing legal non-conforming gasoline service station on the proposed remaining 10,995 +/- SF lot with restricted front and side yard set**



back at 1647 Broad Street. AP 2/5, Lot 1872, 1873 & 1876, area 38,738+/- SF, zoned C-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-8 Schedule of Uses, 30-18 (j)(2)(3) Gasoline Service Stations.

#### **Findings:**

- 1. No physical changes are proposed.**
- 2. The existing gas station building is 41.1 ft. from Broad Street. The pump island is 17.8 ft. from Broad Street.**
- 3. The existing church has a 2.4 inch side yard setback.**

Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Planning Commission unanimously voted to recommend APPROVAL of this application.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Mr. Devine No Nay votes.)

VINCENT R CAPONE JR 30 ROLFE SQUARE CRANSTON RI 02910 (OWN/APP) has filed an application for permission to convert a basement office into two residential living units and convert the attic into one residential living unit in an existing legal nonconforming four unit residential building with restricted off-street parking and rear yard setback on an undersized lot at 418-420 Pontiac Avenue. AP 5, Lot 655, area 6800+/- SF, zoned C-3. Applicant seeks relief from

**Section 30-28 Variance, 30-8 Schedule of Uses, 30-17 Schedule of Intensity, 30-18(P) Off-Street Parking and 30-14 (a) Specific Requirements.**

**Findings:**

- 1. The building has been a 4 unit since a 1966 Zoning Variance.**
- 2. The applicant owns a 12 unit apartment building on the abutting 14,900 sq. ft. lot (density is 1,242 sq. ft. per unit).**
- 3. The proposed 7 unit would require 14 parking spaces. The plan shows 8 spaces and 4 garage spaces. All spaces are illegal. All require backing out onto a city street, and 7 spaces are not accessible if a vehicle is parking in the first space off Clarence St. and Pontiac Ave.**
- 4. The proposed density is 971 sq. ft. per unit (existing is 1,700 sq. ft. per unit).**
- 5. There is a one family on 4,975 sq. ft. abutting the applicant's lot, and across the street, 3 family on 5,089 sq. ft.**
- 6. The city's Traffic Engineer has denied the parking plan.**
- 7. An existing hedge, buffering the existing 4 unit apartment building from the abutting single family, would have to be removed to accommodate the proposed parking spaces along Pontiac Ave.**

**Upon motion made by Mr. Devine, seconded by Mr. Petit, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Mr. Devine. No Nay votes.) to**

**recommend DENIAL of this application for the following reasons:**

**1. Severe overcrowding**

**2. No hardship. The applicant is making more than a reasonable use of his property with a Zoning Variance for 4 units on a lot that only has sufficient area for a single family.**

**3. Insufficient off-street parking. All spaces shown on the plan require exiting the parking spaces by backing onto a city street. All but five of the parking spaces are blocked in by other vehicles.**

**WILLIAM J GENTILE 490-492 LAUREL HILL AVENUE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to leave an existing legal non-conforming two-family dwelling with restricted front yard setback and convert a 25' x 36'+/- SF freestanding building into a residential living unit with restricted front and side yard setback at 490-492 Laurel Hill Avenue. AP 7, Lot 795, area 11,000+/- SF, zoned B-1. Applicant seeks relief from Section 30-28 Variance, 30-29 Special Use Permit, 30-12 More than one dwelling structure on any lot prohibited, 30-11 Required yards, 30-17 Schedule of Intensity**

**Findings:**

**1. The building was formerly used as a bakery.**

**2. The existing building has a 9-½ inch side yard setback and a 3 ft. front yard setback.**

3. Six off-street parking spaces are shown with a 21 ft. back-up aisle. (23 ft. is required)
4. A stockade fence blocks access to space #6.
5. A distance of 4 ft., 8 in. separates the proposed single family from the existing 2 family.
6. Block density is 4,070 sq. ft. per unit.
7. Proposed density for the applicant's lot is 3,667 sq. ft. per unit.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend APPROVAL of this application.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Mr. Devine. No Nay votes.)

JOSEPH AND VINCENT MAGGIACOMO 51-B WESTERN INDUSTRIAL DRIVE CRANSTON RI 02921 (OWN/APP) have filed an application for permission to build a new 24' x 44' single-family dwelling on an undersized lot with restricted frontage on Lot 436 Green Avenue. AP 8, area 5000 sq. ft., zoned B-1. Applicant seeks relief from Section 30-28 Variance and 30-17 Schedule.

#### Findings:

1. The lot's frontage is 50 ft. (60 ft. is required)
2. The Zoning Board of Review denied an application for a two family

in April, 2004, on the same lot.

3. The applicant's lot abuts 2 single family dwellings on 5,000 sq. ft. lots.
4. Six single families on the block are on 5,000 sq. ft. lots.
5. The proposed house meets all setbacks.

Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Planning Commission unanimously voted to recommend APPROVAL of this application as it conforms with the neighborhood.

(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Mr. Devine. No Nay votes.)

PAULA M ESPOSITO 28 CARLISLE STREET CRANSTON RI 02920 (OWN/APP) has filed an application for permission to leave an existing two-family dwelling on an existing undersized 4500+/- SF lot with restricted frontage and front yard setback and build a new two-story single family dwelling with restricted front age on the abutting under sized lot with restricted frontage at 41-43 Crossway Road. AP 9/2, Lot 2634 and 2633, area 9000+/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-8 Schedule of Uses.

Findings:

- 1. The applicant's two family is the only one on the block and on the street.**
- 2. The existing two-family on the two lots conforms with the density of the block. (4,500 sq. ft. per unit)**
- 3. The proposed house meets all setbacks.**
- 4. The proposed street frontage is 50 ft.**

**Upon motion made by Mr. Guglietta, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend APPROVAL of this application as the proposed single family lot conforms with the neighborhood. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Devine and Mr. Schiappa. No Nay votes.)**

**MICHAEL A AND KATHLEEN J RAGOSTA 56 WILLOW DRIVE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to build a 678+/- sf family accessory apartment addition to an existing single family dwelling at 56 Willow Drive. AP 10/1, Lot 911, area 9217+/- SF, zoned A-8. Applicant seeks relief from Section 30-29 Special Use Permit, 30-18 (O) Accessory Family Apartment.**

**Findings:**

- 1. The proposed rear addition meets all required setbacks.**
- 2. There is no new front door, but the apartment will be accessed**

through an existing second front door; where a new roofline and porch will be added.

3. There is no common interior door between the proposed accessory family apartment and the main, primary dwelling unit.

4. The proposed accessory apartment is 40% of the total living space. (25% is allowed)

5. A new curb cut will be required for the additional 10 ft. driveway widening.

Upon motion made by Mr. Rossi, seconded by Mr. Devine, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Mr. Devine. No Nay votes.) to recommend APPROVAL – with approval of the new curb cut from City's Public Works Department.

**MICHAEL SEPE 1000 PONTIAC AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build a 255' telecommunications tower with restricted setback at 26 Eddy Street. AP 10/2, lot 711, area 12,650 +/- SF, zoned A-8. Applicant seeks relief from Section 30-29 Special Use Permit, 30-17 Schedule of Intensity, 30-8 Schedule of Uses, 30-18 (s), c, 3 Telecommunications Facilities.**

**Findings of Fact:**

- 1. The proposed tower base is 20'x 20' and has property line setbacks of 35', 85', 3' and 130'. By ordinance, 1-1/2' of setback for each 1' of tower height is required.**
- 2. There is a single family house within 70' of the proposed tower. There are 3 single family houses within the fall zone of the proposed tower.**
- 3. The proposed tower is within 175' of the lots on Meadow View Dr.**
- 4. There are no tenants for the tower at the present time, and no evidence was presented of the need for an additional telecommunications tower in this area.**
- 5. No graphics were presented on visual impact from surrounding areas.**
- 6. There is a cell communications tower within the required distance of separation of 2.5 miles for towers over 75' high.**

**Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Mr. Devine. No Nay votes.) to recommend DENIAL of this application for the following reasons:**

- 1. Residential zones are not appropriate locations for towers that are 255' high.**
- 2. There is no evidence of the need for an additional tower at this location.**



**CHRISTOPHER M CARBONE 40 TUDOR STREET CRANSTON RI 02920 (OWN/APP) has filed an application for permission to leave an existing 15' x 24' above ground swimming pool and filter in its present location with restricted side yard set back at 40 Tudor Street. AP 11/4, lot 2658, area 6,000 +/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.**

**Findings:**

- 1. The free hand drawing submitted (which is not to scale) dimensions the pool 6 ft. from the side lot line and 8 ft. from the rear property line (5 ft. is required).**
- 2. No survey was done of the lot. It is not known whether the pool is located more than 5 feet from the property line.**
- 3. The site plan submitted also shows that the applicant's parking spaces for the single family is actually on the sidewalk right of way for Tudor St. This creates a problem for snow removal during the winter. City ordinance prohibits overnight parking within the City's street right of ways.**
- 4. Photographs taken by the Planning Department show there may be an encroachment of the applicant's 6 ft. fence within the Macon St. sidewalk.**

**Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta,**

**Mr. Petit, Mr. Rossi, Mr. Schiappa and Mr. Devine. No Nay votes.) to recommend DENIAL for the following reason:**

**Inadequate plans. Because there was no survey done on the lot, the Commission does not know whether the setback relief requested to be granted is for 4 ft. 11 inches, or one inch.**

**BRIAN AND MARIA BARON 54 IMPERIAL AVENUE CRANSTON RI 02920 (OWN/APP) have filed an application for special permit to build a 13' x 25' +/- square foot addition and convert an existing garage and breezeway into a 543+/- sf for family accessory apartment with second story master bedroom addition for the existing dwelling at 54 Imperial Avenue. AP 12/2, lot 1534, area 8,000 +/- SF, zoned A-8. Applicant seeks relief from Section 30-29 Special Use Permit, 30-17 Schedule of Intensity, 30-18 (o) Accessory Family apartment.**

**Findings:**

- 1. The 35'x 18' accessory family addition contains approximately 609+/- sq. ft.**
- 2. The existing house has 2 front doors. The front addition will add another front door, which is perpendicular to the existing house.**
- 3. The in-law apartment will be 26% of the main living space, including the new 2nd floor addition.**

**Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Rossi and Mr. Devine. No Nay votes.) to recommend APPROVAL of this application subject to the following condition:**

**Eliminate the second front door on the addition that enters directly into the living room of the accessory apartment. (Accessibility to the apartment is still possible from the new common mudroom, which has an exterior front door.)**

**BRUCE D AND MINDY B LANE 571 OAKLAWN AVENUE CRANTON RI 02920 AND PLAN WAY MANAGEMENT COMPANY LLC 1283JEFFERSON BOULEVARD WARWICK RI 02888 (OWN/APP) have filed an application for permission to renovate an existing legal nonconforming commercial building with restricted front, rear and side yard setback at 870 Oaklawn Avenue. AP 15/2, Lot 350 & 358, area 31,785+/- SF, zoned C-2. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity, 30-18(r) Signage and 30-23 Structural Alterations.**

### **Findings:**

**1. The existing building has a 10 ½ foot front yard setback, and a 0**

**side yard setback.**

**2. The 6,988 sq. ft. building would require 28 parking spaces; 28 spaces are provided.**

**3. The existing 23.9 curb cut on Oaklawn Ave. lines up with a row of parking spaces along the building. There is a second curb cut (29.4') within 27 feet.**

**4. The application has site plan review pre-application approval.**

**5. The proposed 2-sided free standing sign is 6'3" x 8' (100 sq. ft. total, 25 sq. ft. max allowed. Building signs: 3 – 3x8' = 72 ft. total. (25 sq. ft. max allowed)**

**Height: 12'-8" (12' high max permitted).**

**The City's Traffic Engineer has approved the parking plan, except for the location of the 23.9' curb cut.**

**Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Mr. Devine. No Nay votes.) to recommend APPROVAL, with the following condition:**

**Obtain a Physical Alteration Permit from the D.O.T. for the curb cuts on Oaklawn Ave.**

**TAMMY AND ROBERT CASEY 17 ANGELL AVENUE CRANSTON RI 02920 (OWN/APP) have filed an application to correct an error on the plot plan and for permission to build a 24' x 34' attached two car**

**garage and full second story addition with restricted corner side yard set back at 17 Angell Avenue. AP 18, lot 444, area 7125+/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance and 30-17 Schedule of Intensity.**

**Findings:**

- 1. The proposed garage will have less than one foot setback from Olive Ave. (25 ft. setback required)**
- 2. The proposed addition will have a 17.39 ft. setback from Angell Ave.(25 ft. required)**
- 3. The zoning variance approval given in 2002, was based on an incorrectly drawn plot plan which shows a proposed setback from the Olive Ave. property line to be 14 feet. Fourteen feet in actuality was the distance from the edge of pavement of the city street, not the property line.**
- 4. The City's Traffic Engineer has denied the plan.**

**Upon motion made by Mr. Schiappa, seconded by Mr. Guglietta; with Mr. Devine recusing, the Planning Commission voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa and Mr. Rossi. No Nay votes.) to recommend DENIAL for the following reasons:**

- 1. The proposed 1 foot street setback creates a dangerous vehicular line of sight obstruction from the Angell Ave. corner.**
- 2. Granting a one foot front yard variance would set a dangerous**

precedent.

3. Out of character with the legal setbacks within the neighborhood.

**MATTHEW B BONIN AND TERESA A BATES BONIN 18 SEARLE AVENUE CRANSTON RI 02920 (OWN) AND FREEDOM ENTERPRISES INC 84 KENYON ROAD CRANSTON RI 02910 (APP) have filed an application for permission to leave an existing legal non-conforming single-family dwelling with restricted frontage and front yard setback on a 6,865.9 +/- SF lot and build a new 26' x 32' two-story single family dwelling with 10' x 12 deck with restricted frontage on the abutting 6,632.7 +/- SF lot at 18 Searle Avenue. AP 18, Lot 469 & 470, area 13,498+/- SF, zoned B-1. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.**

#### **Findings:**

- 1. Both lots will have 50.22 feet of frontage.**
- 2. The existing porch on lot 369 has a 15 ½ foot front yard setback.**
- 3. The proposed front setback for the new house on lot #470 is 29.4 ft.**
- 4. Both lots are within the Oak Lawn Village Local Historic District.**
- 5. The proposed house meets all required yard setbacks.**
- 6. Though the lot size conforms with zoning, the average lot size for the 7 other single family houses on the same block is 10,747 sq. ft. The median frontage for those 7 houses is 91.56 ft. (The average frontage is 111 feet.)**

**7. Since the designation of the Local Historic District in 1982, there have been no requests for dimensional relief for new construction.**

**Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Planning Commission unanimously voted (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Mr. Rossi. No Nay votes.) to recommend DENIAL of this application for the following reasons:**

- 1. The proposed frontages are out of character with the frontages of 6 other single family lots on the same block.**
- 2. No apparent hardship. The applicant is making reasonable use of the property with a single family on a legal parcel that has 100 feet of frontage.**
- 3. The application requests 2 non-conforming lots be created out of one legal zoning parcel.**

**SUNIL & SABINA VERMA 311 GREENWICH AVENUE APT 6 D-121 WARWICK RI 02886 (OWN/APP) have filed an application for permission to build a new single family dwelling with restricted front yard setback at 60 Lindsay Lane. AP 35, Lot 321, area 42,312+/- SF, zoned A-20. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.**

**Findings:**

- 1. The front yard setback for the porch is 28.8 ft. (30' required)**
- 2. The request for relief is due to the surveyor's error, who omitted the depth of the stairs, when setting the stakes for the foundation.**

**Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted to recommend APPROVAL of this application.**

**(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Mr. Devine. No Nay votes.)**

## **PERFORMANCE GUARANTEES**

**Replat of Pleasant View Plat (Whiting Street) – bond reduction**

**Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Planning Commission unanimously voted to reduce Performance Bond #603300248 for the Replat of Pleasant View Plat (Whiting Street), issued January 23, 2004, by \$51,000 – leaving a balance of \$19,000.**

**(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Rossi and Mr. Devine. Voting Nay: None.)**



## **EXTENSIONS OF TIME**

### **Koutsogiane Estates – Final Approval**

**Upon motion made by Mr. Rossi, seconded by Mr. Petit, the Commission unanimously voted to APPROVE a one year extension of time to record the final plat plan due to resolution of roadway and sewer concerns.**

**(Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Rossi, Mr. Schiappa and Mr. Devine. Voting Nay: None.)**

## **MISCELLANEOUS ITEMS**

### **Comprehensive Plan Update**

**Mr. Flynn stated that the Comprehensive Plan Update Workshop, held at the Cranston High School West library on June 23, was well attended. The staff noted several issues not discussed, and these relevant issues will be added for discussion at the next workshop. Planning Department staff will be meeting with the consultants on July 15.**

**The next public workshop will probably be held some time in**

**September, on the East side of the City.**

### **Stillhouse Cove**

**Mr. Flynn stated that the project is ahead of schedule and has received a revised permit from RIDEM. In constructing the plan as designed, more material was excavated than originally estimated, presenting a very costly offsite disposal concern. This material will be screened to remove solids and associated debris. The remaining material will be placed in the corner of the marsh deemed unsuitable for restoration by CRMC due to its overall elevation. The material will then be graded to reflect the contours shown on the original plan.**

**Mr. Rhodes further stated that the vortechnic drainage structures are presently being installed, roughly 75% of the sidewalk is in (curbing provided by RIDOT), and the concrete aggregate is esthetically pleasing.**

### **Wildflower Estates**

**Mr. Guglietta updated the Commission on Wildflower Estates; the agenda item that was removed. There are sewer connection concerns that the Public Works Department has been working with the developer to resolve before this matter is brought before the**

**Commission.**

**DATE AND TIME OF NEXT MEETING**

**Tuesday, August 3, 2004 at 7 p.m.**

**ADJOURNMENT**

**Upon motion made by Mr. Petit, seconded by Mr. Rossi, the Planning Commission unanimously voted to adjourn the meeting at 9:20 p.m.**

**Respectfully submitted,**

**Michael J. DeLuca**

**Secretary**